



City of Hampton, VA

Meeting Minutes

City Council

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

W. H. "Billy" Hobbs, Jr.
Will Moffett
Chris Snead

Christopher G. Stuart
Donnie R. Tuck
George E. Wallace

Molly Joseph Ward, Mayor

Staff:

Mary Bunting, City Manager

Cynthia Hudson, City Attorney

Katherine K. Glass, CMC, Clerk of Council

Wednesday, October 24, 2012

5:30 PM

Council Chambers, 8th Floor, City Hall

CALL TO ORDER/ROLL CALL

VICE MAYOR GEORGE E. WALLACE PRESIDED

PRESENT: W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck

ABSENT: Molly Joseph Ward

INVOCATION – Vice Mayor Wallace

PLEDGE OF ALLEGIANCE

After giving the invocation, Vice Mayor Wallace welcomed everyone to the Spotlight on Citizens Program and introduced Technology Coordinator Mr. Brian Marchese to emcee the program.

Mr. Marchese greeted those on the dais and announced that tonight's program will recognize Wynne Ford and Wynne Volvo for sponsoring Bluebird Gap Farm's "Storytelling in the Park", as well as the Hampton Public-Service Team that provides emergency communications for the City.

CEREMONIAL ITEMS - "Spotlight on Citizens"

1. 12-0390 Recognition of Wynne Ford / Wynne Volvo for Sponsorship of Storytelling in the Park

Mr. Marchese stated Wynne Ford and Wynne Volvo have brought joy to children by sponsoring the Bluebird Gap Farm Storytelling in the Park, a program which brings entertainment on Friday mornings to children and their parents. Over the past ten years of sponsorship, Wynne Ford and Wynne Volvo and the Hampton Parks and Recreation Department have offered story tellers, pirates, musicians, puppeteers, opera singers, magicians and animal acts to thousands of children and their guardians.

Mr. Marchese added that Wynne Ford Parts Manager Ms. Dory Wade attends every show to introduce performers and to offer give aways.

Vice Mayor Wallace and members of the Parks and Recreation staff presented Ms. Wade with a platter as a token of the City's appreciation. Ms. Wade and staff members were then photographed with Vice Mayor Wallace. Mr. Marchese gave a brief description of the platter for the benefit of those in the audience and for those viewing at home.

Ms. Wade commented that this has been a beautiful ten years of sponsorship which will hopefully continue every year. She thanked the Parks and Recreation staff for being the backbone of this program.

Vice Mayor Wallace read the inscription on the back of the platter "Wynne Ford/Volvo. In recognition of ten years sponsorship of the Wynne Ford/Volvo Storytelling in the Park Keeping Hampton kids entertained, 2012".

Mr. Marchese thanked Wynne Ford and Wynne Volvo for their continued support of Parks and Recreations Storytelling in the Park.

PRESENTED by Vice Mayor Wallace to Dory Wade, Parts Manager of
Wynne Ford / Volvo.

2. 12-0389 Recognition of Hampton Amateur Radio Operators

Mr. Marchese acknowledged the Hampton Public-Service Team also known as Hampton's Amateur Radio Group which provides back-up communications during periods of emergency when primary methods of communications have failed. He noted this group is not part of the City of Hampton, but rather is a group of volunteers made up of faithful, behind the scenes residents dedicated to supporting the City. He then introduced Emergency Management Deputy Coordinator Ms. Sara Ruch to make the presentation.

Ms. Sara Ruch greeted those on the dais and gave the following background information regarding the Hampton's Amateur Radio Group: The group's mission is to train personnel and prepare emergency operation support units to provide emergency communicators to the City of Hampton in the protection of lives and property of the residents. They provide a scalable, national incident management system compliant structure to assist the City of Hampton with back-up communications during periods of emergencies when primary methods of communication have failed. The group is comprised of volunteers dedicated to support the City. The group was formed as a result of a limited uncoordinated amateur radio response to Hurricane Isabel. Only four amateur radio operators were part of the City's disaster response for that event. After a significant planning effort, the group was officially established in 2005. They have had a presence in the Emergency Operations Center (EOC) ever since. During Irene, they assisted in the EOC locating specific shelter personnel when there was an issue with the radio and cell phone communication at Phenix High School. During 2011, they accumulated approximately 700 volunteer hours largely because of their response to Hurricane Irene. The group is comprised of approximately 100 licensed amateur radio operators organized into three levels of participation. Level 1 is the basic participation group which consists of approximately 55 members who form the home reporting

network which communicates conditions from across the City to the EOC. Level 2 personnel expect to be available to deploy as necessary during an emergency event or during the recovery phase of a disaster. There are approximately 15 people in the Level 2 category. Level 3 is the core response group. Approximately 30 level 3 participants maintain the ability to quickly deploy to their assigned locations and establish communications with the EOC when it is activated. They are prepared to remain on station for the duration of the event. The Amateur Radio Group meets once a month to update its membership on information related to its mission. They conduct two to three new-operator training courses per year, weekly on-the-air exercise or training sessions, participate in ICS training, National Weather Service SKYWARN advanced training and specialized communications methods training to ensure the organization is maintained at a high state of readiness. Throughout the year they hone their communications skills by supporting community events, both in Hampton and surrounding communities. Some of these events include but are not limited to, marshaling the two Hampton winter holiday parades, and just recently supporting the Hampton Crawlin' Crab Half Marathon.

Ms. Ruch recognized several of the group's members and elaborated on their positions.

Mr. Chris Hosman is the driving force behind the group. He has extensive experience in planning, but is a relative newcomer to the amateur radio hobby. Chris has provided clear and steady leadership since the group's inception in 2005. He has worked diligently with the City's Emergency Manager to identify the emergency communication needs and assist in integrating amateur radio support into the City's emergency planning. His vision of how all the "hams" in the City can work together to satisfy the City's emergency communications needs has been the solid foundation upon which the organization has been constructed and managed since its inception. Chris is assigned as the Emergency Radio Officer and mans the EOC Radio Room during emergency events.

Mr. Robert Uiterwyk is a relatively newcomer to the group, having moved to the area about three years ago. Robert also has a wide range of experience in the hobby, as well as instructional experience, and has become a valuable asset in their training program. Robert recently used his experience to create a first class communications support trailer for amateur radio emergency communications. He led the conversion of a trailer from its prior use to the current configuration using money donated by the group and the District Seven Advisory Council, as well as equipment provided by the Hampton Citizen's Corps Program.

Mr. Addison Inge is a long-time Hampton resident and NASA engineer. He is the go-to person for equipment repair. Addison uses his wide range of experience in communications equipment repair to maintain their equipment. His skills have been instrumental in extending the life of older equipment, thereby avoiding significant capital costs. Addison has helped keep things running long after others would have given up. He has been instrumental in the construction of the communications support trailer.

Mr. Stu Flechner is in charge of coordinating their volunteer efforts in support of public events. Stu attends a host of planning meetings for various events in the City to represent the group. He has a clear understanding of the Federal Communications Commission (FCC) rules which govern participation in these events and ensures that they stay within the confines of the law.

Mayor Ward arrived to the meeting at 5:45.

At Vice Mayor Wallace's request, all group members who were in attendance came to the podium and were photographed with Mayor Ward as she presented them with a plaque for their contribution to the City of Hampton.

Vice Mayor Wallace noted that it is very seldom that the Mayor is tardy for a meeting without prior notice, and therefore, he was pleased to see that she was okay. Mayor Ward apologized for being tardy. She then stated she was very impressed with the Hampton's Amateur Radio Group's work and dedication to ensure the citizens of Hampton are safe during emergencies. She added that it is an invaluable service, and therefore, the City and community are grateful to this group.

Mr. Marchese noted Mayor Ward's closing comments concluded the Spotlight on Citizens Program.

A five minute break was taken prior to the Public Comment portion of the meeting.

PRESENTED by Sara Ruch, Hampton's Deputy Coordinator of Emergency Management. Mayor Ward presented the plaque. Ms. Ruch recognized Chris Hosman, Robert Uiterwyk, Addison Inge and Stu Flechner.

PUBLIC COMMENT

Mayor Ward welcomed everyone to the Public Comment Period.

Clerk of Council Ms. Katherine Glass read the protocol for the Public Comment Period.

Prior to the Public Comment portion of the meeting, Mayor Ward noted Council requested City Attorney Hudson comment on the topic of freedom of speech in Council Chambers.

Ms. Hudson stated we have received numerous questions regarding the extent of Council's legal authority to modify the level of first amendment rights or freedom of speech within this forum. She stated she has provided guidance to City Council and City staff. She then read such guidance for the benefit of the general public.

"Government bodies (such as the Hampton City Council) must respect constitutionally protected rights of freedom of speech of persons permitted to participate in or to be heard in government meetings or in government places, any of which may constitute some form of "public forum". Under applicable case law, the extent of protection afforded to free speech rights varies depending on the nature of the "forum" created by the government (itself) or recognized historically in the law. For instance, in allowing "public comment" (such as this) during a meeting, a governing body (such as Council) is typically deemed (in the law) to have created a so-called "limited public forum" in First Amendment law terms as opposed to a "traditional public forum" or "non-public forum". In the limited public forum of the Public Comment Period, the governing body (City Council) may establish limitations (as we have) on the "time, place and manner" of speech permitted, the topics of speech, and the classes of speakers, with the overarching caution that any limitations that are based on the content of the speech (or

the viewpoint of the speaker) must be very narrow and reasonable unless they serve compelling government interest(s). "

"Using our City Council meetings as an example, in the Council's legal latitude of the limited public forum it has created by providing a Public Comment Period, the Council has restricted speech as to time (during the designated Public Comment Period and for 3 minutes per speaker); as to place (the Council Chambers at the podium); as to topic/content (matters germane to the work of the City Council and the business of the City without personal attacks unrelated to City government or performance); and to the manner of speech (no speech or speech-related behavior that tends to disrupt the business of the people and to maintain the decorum of the proceedings). "

Ms. Hudson continued stating as she has advised staff and the Council for many years, it is her opinion that these limitations, imposed in a limited public forum, are legally permissible as they are important to maintaining the focus on government business, on matters that are within the Council's powers and duties to address, and help avoid creating an environment of disruption, chaos and possible incitement to physical violence.

Ms. Hudson explained that different rules apply in a traditional public forum. For example, public parks, streets and libraries, where content-based speech restrictions of any kind are much more legally suspect, or in a non-public forum, for example, the work session or deliberative portion of a Council meeting where there is no right of the public to speak as only the governing body members and persons requested by the governing body are permitted to give input. She further explained that is the range of first amendment law with respect to the public's right to speak as citizens and individuals in this forum. She stated she hopes this brief overview is helpful to the understanding of the manner in which the meeting is managed.

Councilman Stuart asked Ms. Hudson to provide a thumbnail sketch or layman's view of what she stated. Ms. Hudson replied the City Council is within its rights to limit speech in this forum as to time, place and manner in the ways she described.

PUBLIC COMMENT

Mr. Jonathan Deerfield, 1515 Garrow Circle, greeted those on the dais and began his statement with a few sentences in Chinese before making the following statement: Oh wait, I'm sorry, I'm not in 1970's China, let me translate that for you. I feel that this Council has become the most corrupt this City has ever seen. The problem today is that you will not let a man ask a question. Mr. Tom Gear, a former delegate of Virginia, as well as former Council Member has been disgraced here in Council Chambers at the hands of certain Council Members. According to our First Amendment rights, we are allowed to say what we wish about our government as long as it does not slander, or, if it just happens to be written down, libel another individual. Well, please explain to me how a question is threatening to this Council. You did not have to answer, as per your socialist "I don't care what you people have to say, I'm better than you" policy, but you could have at least had the respect to let Mr. Gear have his three minutes before having the police physically assault a handicapped man for speaking his mind. You might remember back in January, when Mr. Ottofaro unfortunately left this world, that I came before Council speaking of how Machiavellian this Council has become. Sadly, this premise remains true. And sadly, this Council has moved from Machiavellian to a

redundant, overused joke that is no longer funny. At least Machiavellian had some structure. Voter ignorance is the only reason why some of you are still here, and if not for ignorance, you managed to buy your office. In fact, I'm so disgusted with this current Council, that I'm not even going to thank you for your time, because you waste mine with your under the table deals and limitless corruption.

Rev. Marcellus Harris, Vice-Chairman of the Coalition for Justice for Civil Rights, 9 Kenilworth Drive, greeted those on the dais and made the following statement: On Wednesday, October 17th, Hampton City Manager Mary Bunting announced that she had placed Police Chief Charles Jordan on paid administrative leave while the investigation took place into the failed and corrupt undercover cigarette sting. Further, the Manager announced she had appointed Retired Police Chief Tommy Townsend as acting Police Chief. While the Coalition is pleased to see Chief Jordan no longer at the helm of the Hampton City Division, we want to make it clear, our call is for immediate resignation of the Chief. The Coalition has filed over 50 complaints with Chief Jordan to no avail. He has ignored them, there's been no disposition taken with them. Per Hampton City records, Chief Jordan now receives a salary of over \$130,000. Being placed on administrative leave means he continues to receive taxpayers' money while a very serious investigation is ongoing. The Coalition reiterates this call for Chief Jordan not just to be on administrative leave, but to be permanently terminated. We further call for the City Manager and City Council to engage with the community in a permanent Chief of Police selection. We want to be involved in the process. It is our contention that, not only Chief Jordan, but City Manager Mary Bunting, who has a questionable association with the Chief, also should resign. This is the position of the Coalition for Justice. Thank you.

Rev. Freddy Villarreal, Freedom Life Church, 35 Tide Mill Lane, greeted those on the dais and made the following statement: I'm here to say the opposite of what the guy just said in front of me. I'm just kidding. But seriously, I do want to just say that I appreciate process, as someone who leads an organization that represents citizens of Hampton. I appreciate process, I appreciate due process. I appreciate the fact that we stand here in this room as advocates of a nation where we are innocent until proven guilty, and not vice versa, and that the same judicial system that our Chief has led is now going to be thoroughly worked and I believe will be found on his behalf. I do want to speak to the voice that there are citizens in Hampton who appreciate your service. There are citizens in Hampton, I have about 600 in my church that stand 100% behind Chief Jordan, that stand behind the fact that through this process light will shine in darkness and the darkness can't overcome it. I do want to say that we don't envy your position. Any time there is tension in the midst of turmoil, it is very easy to make decisions that are under-communicated and I don't think anybody in here knows everything, but most of us don't realize what we don't know. To us, our perception becomes our reality, so I would charge you guys to consider that, that the perception of the citizens of Hampton is their reality. As you guys have been put in a position to serve them, I would encourage you to be intentional with communication, be intentional with working processes in a way that is full of integrity, in a way that will shine and silence the voice of those who are just unknowing. I personally want to just speak to that and to say that we are – there is, maybe, a silent majority, I don't know. At least everyone I speak to in Hampton is 100% behind Chief Jordan, and that's why I'm here tonight. In fact, my church tonight is throwing a pastor appreciation service for me. They even got me a really nice cake, and you can tell by looking at me that I enjoy cake, but I found out that I could be here this evening and voice our support of the Chief, and so I skipped my own pastor appreciation

evening because one of my friends has come under light. That's a principle I learned from him, that there is a place for recognition and there's a place for service to do what's right. That's why Chief Jordan is Chief, and that's why I believe whatever comes out of this should validate that. Thank you very much.

Mayor Ward let everyone know that clapping is discouraged in Chambers.

Brother Ankh Unu-El, Member of the Coalition for Justice for Civil Rights, 1645-6 W. Pembroke Ave, greeted those on the dais and made the following statement: For years the Coalition has been presenting affidavits and claims of wrong doing and misconduct to Hampton Police Chief Chuck Jordan. In fact, the Coalition has filed over 50 individual complaints and affidavits on behalf of its members to Chief Jordan who has, in turn, chosen to ignore them all possibly covering up an illegal cigarette sting operation which lasted for months and led to no arrests. But it is becoming clear that the Coalition members and political opponents of this Council and Police Division are being targeted and arrested and prosecuted. Coalition President Rudy Langford was arrested for trespassing, but then immediately found to be not guilty. Former Delegate Tom Gear was arrested, in this very Chamber, while simply attempting to ask questions of the Council and Mayor Ward. Former Chief of Staff to Chris Ward, Kyle Adams was arrested upon direction of Councilman Stuart on trumped up charges of financial crimes. If anyone knows when a citizen is being framed or when the evidence is planted or fudged, it's the Coalition. President Rudy Langford is a prime example of that. Delegate Tom Gear and Kyle Adams are respectable members of our community and contributed and donated to this City and members of the Coalition for Justice. The Coalition demands an end to the political police targeting. Our Police Division should not be used as a corrupt arm to jail and imprison this Council's outspoken critics. The Coalition further insists upon the resignation of Mayor Ward under whose watch these repetitive acts of criminal behavior have and continue to take place, constituting grave breaches of duty by the Mayor, and the apparent complicit nature of her inaction in feigning innocence. Thank you.

Mr. Kevin Watkins, Member of the Coalition for Justice for Civil Rights, 1309 Aubrey Lane, greeted those on the dais and made the following statement: Tonight I rise to speak to you, I speak to you in opposition of the recent decision by the City Manager to appoint former Chief Tom, Tommy Townsend, as Acting Chief while an outside organization looks into the failed cigarette sting operation that took place. While the Coalition respects Mr. Townsend as a dedicated family man, we maintain, and give great concern about his past tenure as Police Chief. The Department needs a leader that will go in and weed out the bad elements in the Department for Hampton. During Former Chief Townsend's tenure, we had some dark events that took place in Hampton. In 2001, a Police shooting and murder of Nicole Reedy, a reckless charge and arrest of Allen Iverson, and a falsely charged order by the Chief of Police of Alex Alexander. These are events that the community wants to take a hold of and to be looked at. Further, the Coalition takes issue with the fact that Acting Chief Townsend recently made a public statement that he will simply be a place holder to operate business as usual in the Department. The back door nature of Acting Chief Townsend's appointment does not grant him the mandate that the community demands to lead the Police Department. The Coalition for Justice for Civil Rights believes firmly that the City Manager and City Council should have an open dialogue with the community before choosing a replacement during this time of Chuck Jordan's administrative leave. Acting,

taking responsibility to fail to sit, to show good standing in the City, City Manager Mary Bunting should step down as City Manager. Thank you.

Ms. Deborah Frazier, Member of the Coalition for Justice for Civil Rights, 830 Buckroe Avenue, greeted those on the dais and made the following statement: On October 16, 2012, Coalition President Rudy Langford announced that, based on the information obtained by the Coalition regarding the cigarette sting operation, the Coalition for Justice for Civil Rights has corresponded with the Federal Bureau of Investigation (FBI) requesting a Federal investigation into the failed, uncovered Hampton cigarette sting which led to no arrests, but millions of unrecorded, unaccounted for money in a secret bank account housed at the Langley Federal Credit Union, rather than the normal depository used by the City, Old Point National Bank. This cigarette sting began with the assistance and the guidance of the Federal Bureau of Alcohol, Tobacco and Firearms, who later pulled out due to officer wrong doing. Because of this key fact, as well as the likelihood that many transactions of the shell business erected by the Hampton Police may have purchased or sold black market cigarettes across the State lines, is a matter of interstate commerce. The Coalition reiterates its call for investigatory control to be handed over to the FBI. Further, because the City, the citizens of Hampton now know that the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) used Federal funds to initially establish the sting operation and upon their exit of the uncovered operation, those funds were never returned. We believe it is necessary that the Federal officials be involved in this corruption investigation. Citizens deserve to know where their taxpayer dollars are being spent. Hiding the money in secret bank accounts with no basic financial controls is shocking and clearly a matter the ATF and FBI need to review, for the good of our community, our State and our Nation. City Manager Mary Bunting should resign today. Our City deserves better. Thank you.

Mr. Rudy Langford, President of the Coalition for Justice for Civil Rights, PO Box 282, greeted those on dais, and made the following statement: As of November 1st, Dr. Revered Harris will become the Coalition for Justice for Civil Rights' second President. Tonight you heard from many of our Coalition members sharing their thoughts on this corrupt affair, 19-month cigarette sting operation by the Hampton Police Division. These arguments made by Coalition members have been strong and also shocking. As a follow up to their remarks, let me be explicitly clear: the Coalition seeks and demands the immediate resignation of City Manager Mary Bunting and Chief of Police Chuck Jordan. Further, we feel that Acting Chief of Police Tommy Townsend should step aside and a new City Manager and Chief be appointed after consultation with the community. You see, there is explicit racism here. Former City Manager turned Vice Mayor George Wallace, an African American, was fired by City Council for failure to answer a simple question in the hallway, but the present City Manager, Mary Bunting, refuses to answer dozens of critical, important questions, knowingly misleading the community about the sting operation, remains at the helm. This cigarette sting corruption is not the first time the Hampton Police Division has misused and abused its police powers. Hampton City Council and its Police Chief framed me on trumped up charges during the same time. We now know they were misusing and possibly embezzling taxpayers' money. If City Council and the Police Division can frame me, who knows how many others can be framed for crimes they did not commit. Former Delegate Tom Gear, long time outspoken critic of this Council, who served this City well, and served 10 years in the General Assembly was arrested in this very Chambers for simply asking the Mayor and Council questions. The Coalition will not give up or give in or get out until perpetrators involved in this disgusting, illegal sting are brought to justice. The Coalition will not rest until this

Council and its members stop targeting innocent people for political reasons. I should not compromise my principles and integrity for a seat on the Planning Commission. No, I will never take pride to do such things. I stand here asking that City Manager Mary Bunting step aside because there's no way she can be involved in this investigation. My time is up and I know you don't like what I've said. Thank you.

Ms. Karen Smith, 126 Plainfield Drive, greeted those on dais and made the following statement: Thank you for allowing me to address you this evening. I have lived in a number of major cities on the east coast of the United States, from New York to Florida and I've witnessed and worked with law enforcement at various professional levels, from managing parades to law enforcement's involvement in a \$300 million redevelopment project. I must say that the Hampton Police Division is by far one of the best police departments on the east coast. This City and, of course, City Council, should be very proud of your men and women in blue. I am somewhat taken aback by the actions over these past few days in regards to the Police Division and specifically the Chief of Police. Nonetheless, I have been told, and I do believe that the investigative process is not a witch hunt, but rather, as the City Manager states, a way to answer a number of questions and reveal the truth about this very innovative and complicated undercover operation. I applaud the Police Division's decision to pursue these smugglers and violent criminals associated with them. This makes our City safer and our community a great place to live, work, and raise our families. I have full confidence in the leadership of the Hampton Police Division and the men and women who put their lives on the line for us each and every day. I am hopeful, as I'm sure all of us are, that the investigative process will be expedited so we can get the proven leadership back at the helm of this ship. This case has been under review for almost a year now and the Chief should be put back to work immediately while the inquiry continues. This is in the best interest of our citizens. Thank you.

Mr. Edwin Boone, 48 Snow Street, greeted those on the dais and made the following statement: My question, I have one question to ask, if we can't ask you all questions like last time Tom Gear was here, you had locked him up, took him out, dragged him out really, because he's sick, it was off the podium, they dragged him out, even when they put him in the chair, his feet was dragging on the ground backwards. He asked certain Council Members questions, they answered, they weren't reprimanded for answering, and the Mayor filibustered and wasted three minutes, so his three minutes were up, he's got to go, she says. So my question is, is a question, if we can't ask you here at City Council meetings, then when will we have a chance to ask you anything? Because there's only one reading of the ordinances, this one is a give-awards ceremony type, and that's public comment, and a lot of times the ordinances and the laws are passed on the one reading at the first Council meeting. So we never have a chance to ask any of y'all any questions, so when can we ask you questions and get answers? We're the taxpayers, you was voted in office by citizens and you sit up there, and once it's over with, you go about your business, business as usual. So I prefer to be able to sit down with Council Members. Even the citizens want to have a chance, an opportunity to ask a question without being hauled off to jail or getting a citation for trespassing. So again, if we can't ask the question and get an answer, then when can we all talk to you and get answers. This police thing, it's an embarrassment on the City of Hampton. Virginia, I read an article that Virginia is 47th corrupt in the Nation. That's 3rd from the bottom, not 3rd from the top, for those that get it misconstrued. And in my opinion, Hampton is number one out of the 47th in the Nation, so that makes Hampton number one in the Nation. So again, last time, if we can't ask you questions now, when do we have

opportunity to get answers and get honest answers from the elected officials? Thank you.

Chief Charles Jordan, 40 Lincoln Street, greeted those on dais and made the following statement: You know, it's an unusual position for me to be in to stand up here when I'm on administrative leave, and for those that think administrative leave is a vacation, I can assure you it is not. But it does give you time to reflect, and so I have been. Let me share some things with you on what I have reflected. I came to this job 34 years ago because I believed in the City. I went to work for the Police Division because I thought it was one of the best police departments that could be found. After 34 years, that belief turned into a truth for me. I do believe we have a great City. I do believe we have a great Council. I do believe we have a great City Manager and a great City Attorney. I listen to people come before you and complain about everything that they can think of during the course of the week to complain about. I don't have one thing to complain about. I'm very fortunate to have a job that I have, to have a job that I love, to have a job that means a great deal to me. I also believe in the process, because in the world that we live in, law enforcement processes are all about getting to the truth. When you jam the truth with innuendo and rumors, you end up with a bad outcome. So I encourage you, as you go through your investigation, in the review, that you honestly seek the truth. It will reveal itself in the facts. But I have a lot of faith that that will be done and I am assured, as I am standing here today, that the right outcome will prevail. And I know the light's gone off, I don't want to be hauled out myself, probably set a bad precedent, so let me make one last comment.

Mayor Ward informed Chief Jordan that it was a two minute warning.

Chief Jordan continued: Oh, that's a two minute warning? I got two more minutes? I'm a little long-winded, Mayor. You know, I listen to people complain about this Police Department and the men and women who serve and wear the badge, and the civilian employees that support us, and I get aggravated with it, because I know these people personally, I know what their commitment level is, I know what their dedication is, I know what I see every day. They are who they are because of the way that they act, and they act professionally, they are dedicated, they are committed, they are willing to lay down their lives for each of you, and they do it without question. They do it with the highest integrity and because of that, if there is anything that I miss each and every day, other than putting on the uniform that I've worn for 34 years, it's being with these men and women out here.

Mayor Ward attempted to calm the crowd, reminding those in the Chambers that Council was still in session. Mayor Ward asked if there were any additional speakers. There were none forthcoming immediately.

Councilman Tuck asked City Attorney Hudson with respect to this external audit and its investigation, if her office was coordinating that.

City Attorney Hudson replied that her office retained the outside counsel who would perform the external investigation, they were retained at the City Manager's request. As far as the audit is concerned, Cherry, Bekaert & Holland the external auditor is already under contract, this would be an additional engagement for them.

Councilman Tuck asked if they were going to report to her or to the City Manager.

City Attorney Hudson replied that there is no actual reporting responsibility. We're not overseeing or involved in the mechanics of the investigation. We defined the scope of work along the lines of what we understood were the unanswered questions and the final report would be submitted to her and the City Manager to be shared with the Council.

Mayor Ward informed Councilman Tuck that this was not on the agenda and that there were citizens that had approached the microphone to speak. Councilman Tuck stated he was not aware of this. Mayor Ward informed him that she was concerned that they should not discuss what is not on the agenda, stating that they needed to adhere to their own rules. Four additional speakers approached the dais.

Mr. John Ezzell, member of the Coalition for Justice for Civil Rights, 428 Seaboard Drive, made the following statement: The Coalition for Justice is the one group that helped me out when my brother was killed by the Police Department. Nobody else wanted to do nothing about it. When we came up here, when we talked to City Council about it, y'all boohooed, but we still ain't heard nothing about it. That's another issue. On August 2, 2012, the Daily Press, based on the Coalition, of course, broke an important story regarding the undercover police operation where there was confirmed and alleged agent and officer wrongdoing. The response to the Daily Press report, and due to uncovering of the facts that at least one ATF agent has been relieved of duty, and three police officers have been placed on administrative leave, and the Chief of Police has also been forced on leave, with Acting new Police Chief appointed by the City Manager, which we just heard from. The Coalition is pleased that the City Manager has finally started an outstanding and independent investigation and audit rather than pursuing the previous course of internal cover up. So many questions still remain. The Coalition for Justice and the greater Hampton community still want to know the key facts regarding the actions of our Police Division, Police Chief, City Manager, City Attorney, and City Council. When did the Council truly know first about this undercover operation, or the usage of taxpayer funds? How were they told and who told them? Did any member of the Council personally benefit from money used in the operation or to purchase over \$300,000 worth of vehicles? When did Councilmember Stuart and Mayor Ward know? Considering they both have refused to publically answer last time the question was posed to them in this Chamber. Our governing body owes us, the citizens of Hampton, full details of this failed investigation and full accountability of those who did wrong. The Coalition will not rest until these are answered. I've lived in Hampton - I'm 40 years old, I grew up on the streets of Hampton and don't nobody like egg on their face. The City of Hampton, over numerous times and incidents on different situations is always tried to cover itself. My family is well known by the Police Department and everybody else, it's not the best name in Hampton, but you know, we - my family grew up with officers that served on the force, as far as officers that's on the force. You know, I grew up on the streets, so I know more than some people that might be sitting in these chairs what officers are capable of, not what y'all are capable of, but the back dealings that do go on in certain situations, you know. If the people don't believe it, then that's their fault, they're blind. I used to not care about what happened in here until the police officers killed my brother, and now - this thing right here, it was going on for how long, no arrests, no nothing? What was it here for then? Some answers need to be done. Thank you.

Ms. Casey Ezzell, 428 Seaboard Drive, made the following statement: My brother-in-law was killed by the Hampton Police Department this past July, so I'm here with the Coalition for Justice for Civil Rights. I really just wanted to bring Bryant back to the

forefront. I understand there's a lot going on with the Hampton Police Department right now. I don't want him to be forgot about. He did lose his life at their hands and he was a person. You know, the holidays are coming up and there's going to be an empty place at our table this year. Like my husband said, the Police Department – not just the Police Department, but no one likes egg on their face, well, sometimes you have to take responsibility for what you've done and they teach you that growing up. You learn that in kindergarten and I think that's what the Police Department needs to do here. You see the Chief has had to go on administrative leave, there's been how many shooting deaths that just don't seem right? I just don't understand what's going on. I just don't want my brother-in-law forgot about because he was very special and he should be here with us. This is going to be his brand new nephew's first Halloween and he's not going to be here for it. He's not going to be here for his new nephew's first Christmas. He's missing all of this, and we miss him. That's all I have to say.

Ms. Candice Meyers, Member of the Coalition for Justice for Civil Rights, gave no address and made the following statement: On October 2, 2012, the Daily Press reported that one of Virginia's top government accounting officials, the state Auditor of Public Accounts, had questioned whether Hampton Police had the authority to spend money without the City Council's authorization in a long term, undercover cigarette sting operation. For nearly a month, City Council had remained silent on this alleged authority with only one member speaking out against this supposed police power. For nearly a month, City Manager Mary Bunting has maintained the City has the power to authorize monies in an undercover police operation without Council's authority, despite Virginia's Auditor of Public Accounts disagreeing. Only now, after constant and consistent pressure by the news, the media, organizations like the Coalition and greater community, has the City requested an official opinion from the Attorney General on whether they possess such money churning authority. Doesn't the very fact that the City is requesting an opinion mean the previous assertions are in doubt? And if in doubt, doesn't this mean the City Manager overstepped her bounds by stating they had power the law does not grant them. These are important questions, questions which the Coalition demands answers to. It is our hope that not only will the Attorney General of Virginia review this matter and issue an opinion, but that they Attorney General of the United States gets involved to insure justice is done. The City deserves better. Mary Bunting should resign today.

Mr. Thurman Clark, no address given for security reasons, greeted those on the dais and made the following statement: It's really hard for me to get up here, I want you to know this. I was with the Police Department. I was a police officer for 27 years. I retired two years ago as a Sergeant. During those 27 years, the major part of my career was in Investigations and the major part of that was in the Special Investigations Unit. I was an undercover officer. I was the supervisor of an undercover operation, many, many operations, and I know the City Council, just reading off the newspaper, you must have all kinds of questions about operations. I don't think Chief Jordan is in here now, but I would say that, on the Police Department right now, I probably am the most experienced supervisor of conducting undercover operations that the Police Department had at this time. I would tell the City Council that, if you want to sit down and ask me questions about undercover operations, as to why the Police Department only gives out information to certain people, why the Police Department gets involved in Federal investigations, and why the Federal agency is the one who dictates who has knowledge – otherwise, the officers can actually be charged with a criminal violation themselves. Mr. Hobbs knows me, several of y'all know me, getting in touch with me is not a

problem. I support Chief Jordan. I have very limited knowledge about the operation itself, but I do know that Chief Jordan, his primary goal is to get to the bottom of it, and as soon as he found out that he had any questions about it, that's when he put people on administrative leave and asked for an investigation. I'm sorry that you all had to hear some bad comments about yourself, I support you all. You all support the City and we all have the same goal as to make the City of Hampton the most livable City, and that's what the Police Department and Chuck Jordan is always trying to do. Thank you for your time.

Mayor Ward asked if there were any other speakers. There were none. Mayor Ward then informed Councilman Tuck that if he wished to make a motion to add an item to the agenda, he may do so at this time.

3. 12-0392 Discussion of the Cigarette Sting External Investigation and External Audit to the Agenda.

Councilman Tuck suggested that the external investigation and external audit be conducted by the Council, with reports sent directly to the Council. Mayor Ward stated that if they were going to officially put the matter on an agenda, they should do so on a future agenda, so that the public is made aware of the discussion before it takes place, and also allow the City Manager and City Attorney time to present arguments.

Councilman Tuck requested a Special Meeting be called to discuss the matter at the earliest possible date. Vice Mayor Wallace responded that he believes the process already in place will have the investigators reporting to the City Manager and the City Attorney, which would result in disclosures that may not be the same disclosures those entities would then report to the City Council. His response to that is, if the City Council feels that they have not received the entire report, they could verify the information received directly with the investigating companies.

Mayor Ward asked if there was anyone else wishing to weigh in on the matter.

MOVED TO add a discussion of the external investigation and external audit to this agenda.

Councilman Tuck stated that the external investigation and external audit should be conducted by the City Council and the reports should be made to the City Council. Mayor Ward suggested the topic be placed on the next meeting agenda or at a special meeting where the public will have notice and which will also provide the City Manager and City Attorney time to respond. Councilman Tuck indicated the auditor and investigator are scheduled to begin their work prior to the next Council meeting. He stated that if a special meeting is required, he'd like to perhaps call a special meeting to discuss that.

Motion made by: Councilmember Donnie R. Tuck

Seconded by: Councilmember Will Moffett

Ayes: 6 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, Molly Joseph Ward

Nays: 1 - George E. Wallace

THE MEETING ADJOURNED AT 6:48PM

Molly Joseph Ward
Mayor

Katherine K. Glass, CMC
Clerk of Council

Date approved by Council _____